

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Group Art Unit: 1761

Inventors: De Sadeleer

Examiner: Corbin

Appln. No. 09/612,238

NEW Atty. Dkt: 7393/71919

Filing Date: July 7, 2000

Title: The Development of Vital Wheat  
Gluten in Non-Aqueous Media

July 5, 2002

RESPONSE TO REQUIREMENT FOR  
RESTRICTIONAssistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant acknowledges the requirement for restriction, mailed to the wrong law firm, dated June 7, 2002. The Examiner entered a requirement for restriction between Group I (claims 1-11) and Group II (claim 12). Applicant respectfully traverses because all claims can and should be considered in one application. Applicant respectfully invites attention to the salutary objective published in the MPEP 803 ("If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.") Therefore, without conceding the Groups pertain to independent or distinct inventions, and without accepting the Patent Office's historical mis-interpretation of 35 U.S.C. § 121, which requires independent *and* distinct inventions, Applicant requests examination of all claims 1-12 in the present application, although claims 1-11 are elected subject to traverse.

Official  
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JUL 5 2002

GROUP 1700

U.S. Appln. of De Sadeleer 09/612,238

The Examiner should note the papers filed herein on July 12, 2001 (address change to the undersigned) and the power of attorney to the undersigned, which was filed by facsimile to Group 1700 Customer Service on July 5, 2002. The Examiner's courtesy in ensuring updated PTO records so all communications are timely directed to the attention of the undersigned is respectfully acknowledged in advance.

The priority document will be filed separately.

This two page response is being filed by facsimile to Group 1700 this 5<sup>th</sup> day of July 2002 at facsimile number 703-872-9310.

Respectfully submitted,



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